

### **REMARKS**

Currently, claims 27-38, 50-51, 53-54, 56-58, 60-71, and 73-81 remain pending in the present application, including independent claims 27 and 35. In the Office Action, claims 27-38, 50-51, 53-54, 56-58, 60-71, and 73-81 were rejected under 35 U.S.C. §103(a) in view of U.S. Pat. Patent No. 6,716,805 to Sherry, et al.<sup>1</sup> All of the previous rejections were withdrawn.

Sherry, et al. is directed to hard surface cleaning compositions and their use with absorbent pads. Sherry, et al. discloses that a hydrophilic polymer that improves the hydrophilicity of the surface being treated is “essential” to the composition. Col. 5, lines 45-48. Sherry, et al. describes several different types of compositions, specifically (a) “daily shower” compositions (col. 21, line 45 – col. 23, line 29), (b) glass cleaner compositions (col. 23, line 30 – col. 24, line 36), and (c) general purpose and conventional floor cleaning compositions (col. 24, line 37 – col. 225, line 67). Also, Sherry, et al. teaches that the glass cleaner compositions or the general purpose and conventional floor cleaning compositions (of b and c above) can be used in a premoistened wipe. Col. 26, lines 1-6.

The Office Action apparently cites to the “Premoistened Wipes for Floors, Counters, and/or Walls” section discussed from col. 35, line 56 – col. 39, line 20 in an attempted to reject independent claims 27 and 35. In this embodiment, the cleaning composition includes a hydrophilic polymer and an effective amount of a primary detergent surfactant, along with several optional ingredients described in compositions “b” and “c”. Col. 35, lines 58-60. In this premoistened wipe embodiment, an anti-

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<sup>1</sup> In rebutting this rejection, Applicants do not admit to Sherry, et al.'s status as prior art under any section of 35 U.S.C. § 102 to the present application.

microbial system can be included. The anti-microbial system can include the use of quaternary ammonium salts such as dimethyl benzyl ammonium chlorides. Col. 36, lines 57-61 and col. 37, lines 22-32.

Sherry, et al. further teaches that an "important" benefit of the wet wipes they disclose is that fact that they "allow for residual disinfectancy benefits." Col. 37, lines 33-39. By residual disinfectancy, Sherry, et al. means that the residual antimicrobial actives delivered by the wet wipe onto the hard surface at least about 99.9% cidal against bacteria and other microorganisms for a period of from about 8 to about 72 hours, more preferably from about 12 to about 48 hours, most preferably at least about 24 hours. Sherry, et al. teaches that the residual properties result from a combination of low vapor pressure and high cidal efficacy of the antimicrobial actives associated with the compositions of the present invention. Col. 37, lines 39-56.

However, Sherry, et al. fails to teach or suggest several other aspects of the limitations of independent claims 27 and 35, including the Kill Efficiency Ratio and that the benzalkonium halide is present within a released solution in an amount less than about 2000 parts per million of the released solution, while attaining a high log reduction for *E. coli*, *S. Aureus*, or both. In fact, Sherry, et al. completely fails to recognize that it is beneficial to control and minimize of benzalkonium halide content within that released solution. As explained by the present application, such control of the amount of benzalkonium halide within the released solution is especially important during use of the wiper in food surface applications. Thus, Applicants respectfully submit that Sherry, et al. does not disclose or suggest all of the limitations of independent claims 27 and 35.

Furthermore, Sherry, et al. actually teaches away from the wipers of independent claims 27 and 35. As discussed above, Sherry, et al. specifically teaches that their premoistened wipers having antimicrobial actives provide residual antimicrobial actives delivered by the wet wipe onto the hard surface at least about 99.9% cidal against bacteria and other microorganisms for a period of from about 8 to about 72 hours. Col. 37, lines 30-43. This “residual antimicrobial actives” is the type of result that the wipers of independent claims 27 and 35 are designed to avoid by having the benzalkonium halide present within the released solution in an amount less than about 2000 parts per million of the released solution. Thus, the wipers of claims 27 and 35 may minimize the “residual antimicrobial actives,” which is important when the wipers are used in food service applications. For instance, the present application teaches that solutions released by wipers in the food service environments are often required to contain a relatively small amount of the antimicrobial agent. For example, Title 21, Section 178.1010 of the United States Code of Federal Regulations sets forth various requirements for use of sanitizing solutions used on food-processing equipment, utensils, and other food-contact articles. Pg. 1, lines 15-21.

The dependent claims were also rejected under the above-discussed reference. Applicants respectfully submit that at least for the reasons indicated above relating to independent claims 27 and 35, dependent claims 28-34, 36-38, 50-51, 53-54, 56-58, 60-71, and 73-81 patentably define over the reference cited. However, Applicants also note that the patentability of dependent claims 28-34, 36-38, 49-51, and 53-54 does not necessarily hinge on the patentability of independent claims 27 and 35. In particular,

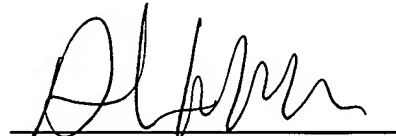
some or all of the dependent claims are believed to possess features that are independently patentable, regardless of the patentability of claims 27 and 35.

As such, for at least the reasons set forth above, Applicants respectfully submit that the present claims patentably define over all of the prior art of record. It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Boyd is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

DORITY & MANNING, P.A.

A handwritten signature in black ink, appearing to read 'Alan R. Marshall', is written over a horizontal line.

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